DOCUMENT RESUME

ED 263 936 JC 850 580

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TITLE Governance of the State University of New York Community Colleges. SUNY Community College Topical Paper, Number 2.
INSTITUTION State Univ. of New York, Albany. Office for Community Colleges.
PUB DATE Nov 85
NOTE 17p.
PUB TYPE Viewpoints (120) -- Reports - Descriptive (141)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *College Administration; College Governing Councils; *Community Colleges; *Governance; Governing Boards; Government School Relationship; *Institutional Autonomy; Postsecondary Education; State Universities; Statewide Planning; Student Government; Trustees; Two Year Colleges
IDENTIFIERS *State University of New York

ABSTRACT

A discussion is provided of the state and local components of the governance structure of the community colleges of the State University of New York (SUNY). First, a historical overview is presented of the legal foundations of the existing combination of SUNY and local community college governance, starting with the 1948 legislative actions that created SUNY and the community colleges and concluding with the "Code of Standards and Procedures for the Administration and Operation of the Community Colleges under the Program of State University of New York." Next, the paper examines SUNY's role in coordinating overall policies, financial matters, curriculum review and development, and statewide master planning, as well as in coordinating the shared duties and responsibilities of SUNY and local community college trustees. Next, the role of local government sponsors in financial support and decision making is described. The next section provides information on the community colleges' local boards of trustees, their composition, and legal rights and responsibilities. The following sections outline the roles, rights, and responsibilities of the college president, faculty, and students in governance. Concluding comments highlight the fine balance of state and local control that is evident in the governance of SUNY's community college system, and point out the variability of the internal governance structures of the individual colleges. A description of the functioning of Genesee Community College's governance arrangements is appended to illustrate one of the more traditional structures. A three-page section of notes is included. (EJV)

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SUNY COMMUNITY COLLEGE

TOPICAL PAPER NUMBER 2

"GOVERNANCE OF THE STATE UNIVERSITY OF NEW YORK COMMUNITY COLLEGES"

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State University of New York
Albany, New York
November, 1985

JC 850 580

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Background

SUNY Community College Topical Paper Number 2 focuses on the "Governance of the State University of New York Community Colleges." This paper is the second in a series of publications discussing topics of general interest to those seeking to learn more about the history, governance, operation and development of the State University of New York college system. As in Topical Paper Number 1, the reader will find the footnotes of special interest.

Dr. Freda R. H. Martens, the retired Dean of Planning and Information Services at Dutchess Community College, is the author of this paper. She was also the author of Topical Paper Number 1, "The Historical Development of the Community Colleges of the State University of New York."

This office continues to be indebted to Dr. Martens for her work in developing this series of Topical Papers on SUNY community colleges. In addition, the Office of Community Colleges wishes to recognize the work of Charles Burns, its Director of Educational Services, who made a substantial contribution as editor of this paper.

We anticipate publishing SUNY Community College Topical Paper Number 3 sometime in December. Tentatively, the focus of that paper will be on the SUNY community college faculty, students and programs. Dr. Martens will also serve as the author of this upcoming paper.

Stuart Steiner
Acting Deputy to the Chancellor
for Community Colleges

Governance of the State University of New York Community Colleges

History

New York State's constitution does not mention higher education, let alone governance of the state's community colleges.(1) The state's network of community colleges owes its existence to the 1948 dual actions of the State Legislature in creating the State University of New York and in passing concurrently the Community College Law.(2) It is from both of these laws that the existing combination of State University and local community college governance stem.

The 1948 Final Report of the Temporary Commission on the Need for a State University advocated a community college program. A Governor's press release later said such a program ought to be conducted directly by the state in some areas and partly by the state in others.(3) This concept of joint but divided state and local responsibility evolved from a compromise between those who favored the establishment of a local community college program assisted by the state and those who wanted the new two-year colleges to be state-operated, funded and controlled. The eventual enabling community college legislation of 1948 provided for a one-third sharing of operating costs between the state, the local sponsor, and the students, and a fifty-fifty division of capital costs between the state and the local sponsor, but it did not specify the same levels of responsibility where the governance of the community colleges was concerned. Statutory law placed overall responsibility for governance at the state level, in the hands of the State University's Board of Trustees. It gave local policy-making responsibility to community college boards of trustees.

The rapid growth of community colleges and the increased complexity of their mission, caused all community college constituencies to provide increased fiscal support for the colleges in the early 1970's. Furthermore, the statutory option available to the sponsors to handle financial affairs of the colleges directly through the "Plan A method" (line-item type controls), led to difficulties at some institutions, upsetting an intricate balance of power.

As the impact of ambiguity in governance roles between the state and the local sponsors of the community colleges grew, the State University trustees took action in 1972. Statutory law gave the University overall responsibility and clearly specified jurisdictional powers over the community colleges. Although amendments and revisions to both law and state regulations were recommended by many as a way of resolving any ambiguity in governance matters, it was the State University trustees who sought ways to "align the community colleges more closely to the overall educa-

tional, administrative, and fiscal structure and program of the State University."(4)

The idea of realignment to achieve a redefined and strengthened community college governance structure was eventually set forth in the 1976 Final Report of the State University Trustee Committee on the Special Problems of the Community Colleges. The report pointed out that any discussion of governance would have to focus on the interrelationships between each of the constituencies of the community colleges because each had different goals and objectives--all of which had to be considered if their place as participants in the statewide system was to be made effective.(5)

State University's Trustees also recognized that, although the optional selection of plans A, B, or C under statutory law was a problem that might ultimately require legislative action, a clarification of the roles of the state (State University), the sponsors, the local trustees, the presidents, and the faculty, in the "Code of Standards and Procedures for the Administration and Operation of the Community Colleges under the Program of State University of New York," would mitigate against the potential difficulties inherent in the Plan A option.(6)

Thus, a series of policy statements was prepared by the State University supporting the new full opportunity (open enrollment) program for the community colleges, strengthening curricula offerings, revising budget and report procedures, and, most importantly, in delineating the responsibilities of the various constituencies of the community colleges. The roles of all participants were clarified in the Code so that governance remained a joint but carefully delineated effort of many, with the State University providing the central coordination as required by law. This governance arrangement is spelled out below.

State University Coordination of the System of Community Colleges

The Carnegie Commission said in 1970 that state-level coordination of community colleges ought to deal with state planning, the acquisition of adequate state financial aid for local operations, and the establishment of general criteria and standards for community college operation.(7) In New York, the State University has always possessed these governance responsibilities. State University trustees are legally mandated to approve the establishment of community colleges in conformance with their approved master plans and to establish standards and regulations covering community college organization and operation. State University trustees are responsible for the overall policies regarding community college programs, courses, curricula, financing arrangements, state financial assistance to the colleges, and tuition charges and fees, including chargebacks.(8) These

matters are set forth not only in law, but also in various sections of the "Code of Standards and Procedures for the Administration and Operation of Community Colleges under the Program of the State University."(9) Issues related to the internal functioning of the community colleges alone are handled by policy and guideline memoranda from the State University Chancellor or his designee to the college presidents and codified in the Policy Handbook-State University.(10)

Central offices of the State University carry out the trustees' policies for the community colleges on a state-wide basis. The Division of Finance and Business receives and analyzes community college budgets submitted annually according to prescribed schedules and formats. Uniform accounting and reporting procedures in financial matters are established with the approval of the Division of the Budget. The Division of Academic Affairs coordinates the community college curricula and oversees their development and review. Data collection and analysis is also coordinated by this Division. It is left to the local community college board of trustees to develop all the necessary local policies and approval processes required for compliance with state-wide policies, guidelines and procedures.(11) Statutory-required, quadrennial master plans are developed centrally as required by law but local colleges assist in identifying future directions. All new programs and facilities proposed locally during a master plan's implementation cycle are submitted to the State University Trustees for approval and master plan amendment.

The Community College Office is particularly concerned with the coordination of all the shared duties and responsibilities of the State University trustees and the local community college trustees. The Deputy to the Chancellor for Community Colleges, who heads this office, is the visible link between the Chancellor, other central administrative offices and the local colleges. His office is where all local boards of trustees and presidents can find help and information in discharging their governance responsibilities. Not only unity but also consistency is promoted thereby, in what is essentially a complex, centralized-decentralized system of community colleges.(12)

The Role of the Local Sponsor

All thirty community colleges have local government sponsorship(s). When the colleges were initially established, the local sponsor's financial contribution was set at one-third of operating costs, but the chargeback arrangement of 1953 rapidly reduced this proportion of local support in some cases, making considerable variation in the financial obligations of the sponsors.

Yet sponsor impact in some areas of community college governance remains a concern. These pressures are felt more readily in Plan A colleges because their financial arrangements lead very easily to detailed sponsor decision-making in matters affecting educa-

tional policy.(13) Potential problems of this kind have been reduced since the roles of all community college constituencies became clearer and more widely understood after 1972. No college follows the Plan B option. Most colleges follow the Plan C arrangement officially but, in fact, nearly all of the colleges today operate under some modification of the A and C plans.

Possible governance difficulties have been largely eliminated for one college (Corning) under the amended community college law of 1984, which allowed Corning to operate with a new regional board of trustees. No county actions on budgets, within specified limits, or audits are required. Title to real and personal property vests in the regional board of trustees. The regional board of trustees are deemed to be "municipal" employers and "public" employers respectively where personnel and collective bargaining matters are concerned.(14)

The Role of The Local Board of Trustees

Each community college is locally controlled by a board of trustees. These boards are public entities, operating under the supervision of the State University trustees. Local boards of trustees are ten-member, policy-making bodies with broad, yet limited, powers mandated by the State Legislature.(15) Five of the trustees are appointed by the local county legislatures and four by the Governor of the State. These nine trustees serve nine-year terms, appointed in a staggered fashion to insure both experience and fresh ideas for each Board. One student member is elected by the college's student government association for a one-year term.

Local trustees have the legal right to adopt curricula of a post-high school nature, with the guidance of State University and subject to its approval.(16) Academic programs must also be registered with the State Education Department. Community college trustees must approve local college budgets before local government approval is sought and prior to submission to State University. (The new regional board of trustees sends its budget directly to the State University.(17) Local trustees discharge such other duties as may be necessary for the effective operation of their colleges, subject to the general supervision of the State University trustees.(18) The community college trustees' single most important responsibility is the appointment of college presidents.

The local community college boards of trustees may acquire real and personal property by gift, deed, bequest, or lease for the purposes of the college. Although title to all land and buildings is held by the sponsor (except in the case of the new regional board of trustees), it is the college trustees who must care for the lands, grounds, buildings, and equipment of their colleges.(19)

As overseers of the college, they approve student government organizations, provide for the audit of all accounts, and render reports to all appropriate governmental bodies as required.(20) All of these governing activities are accomplished at regular and special meetings of the trustees and through the work of their standing committees. As public officers, the community college trustees are subject to the state's open meetings law.(21) Board Policies often are recorded in policy manuals.

The local governing boards are in a very real sense more than advisory councils because they also serve as corporate bodies, undertaking major governance duties and responsibilities for their own colleges within the State University system as a whole.

The Role of the President

The president serves as the chief administrative officer of the local community college and, along with the local trustees, is responsible for the internal management of the college, its operations, and local external relations. He/she promotes the educational effectiveness of the college by carrying out the policies of the trustees based on the overall policies and guidelines of the State University trustees. He/she presents recommendations to the trustees for policy action on matters of curricula, budget, salary and fee schedules, staff appointments, promotion, retention and retrenchment. He/she proposes the organizational structure of the college and plans for the development and management of all college facilities. He/she is the chief planning officer of the college, concerned with the maintenance of existing resources and the acquisition of new resources. He/she submits an annual report and such other reports as may be required. He/she sees that a faculty handbook is prepared that includes an internal governance structure for faculty participation in academic matters.(22)

Community college presidents are chosen in accordance with State University guidelines for presidential searches. While the selection of a president is one of a local board's major responsibilities, presidential appointments require State University Board of Trustee approval.

The Role of Faculty

Faculty do not govern their institutions, but they have a legitimate and traditional right to be consulted on academic matters. Faculty participate, therefore, in the formulation of policy dealing with student health, scholarship, admissions, attendance, dismissal, curricula, subject matter, study programs, teaching methods, the granting of degrees, research, staff, faculty evaluation, student extra-curricular activities, student discipline, and, in fact, all aspects of student life that relate to the educational process. Furthermore, faculty, by tradition, make recommendations to their chairperson or dean regarding instructional budgets.

The traditional forum for faculty governance is the academic senate (or its equivalent), with its wide range of standing and ad hoc committees. Although the community colleges continue to operate with their own varied forms of campus governance, the introduction of unionization and the collective bargaining of terms and conditions of employment (on 29 of the 30 campuses) has tended to affect the faculty roles. For instance, the irrelevant of procedures for such issues as appointments and reappointments, tenure, promotions, leaves of absence, and salary increases is usually a part of the collective bargaining process.

The Faculty Council of Community Colleges is an elected statewide body of community college faculty, with one representative per college. This Council studies matters relating to all community college faculty, education, policies, and programs. It provides community college faculty with the opportunity to express their opinion on statewide policy matters, to give advice to the Chancellor, to exchange ideas, and to work with the Faculty Senate of the state-operated campuses on affairs of mutual interest.(23)

The Role of Students

Students have always been recognized as members of the academic community. Their freedom to learn has been likened in many respects to the faculty's freedom to teach. These two concepts of academic freedom complement each other in many ways and form the theoretical framework upon which student participation in campus governance rests.

Community college students, therefore, operate their own student campus governments through their elected representatives. Student senates regulate extra-curricula learning through student-sponsored events, organizations, and publications. Student representatives usually serve on faculty committees, helping to recommend academic policy.

Students are permitted by state law to annually elect student trustees under the rules and regulations of their student association and in accord with guidelines established by the State University's Board of Trustees. Elected student trustees are granted full parliamentary rights and privileges, and by action of the 1985 State Legislature, the right to vote.

Conclusion

A fine balance of state and local control is evident in the governance structure of State University of New York's community college system. Governance structures, especially the internal structures, vary from one community college to another. The actual functioning of one college's (Genesee Community College) governance arrangements illustrates one of more traditional

structures. In order to take a closer look at on-campus governance, a description of GCC's structure is appended to this paper.

It is from a number of forces and many voices that a community of interest emerges, making the overall governance structure of SUNY community colleges--statewide and local--an effective vehicle for the external and internal operations.

Notes for "Governance of the State University of New York Community Colleges"

1. Community colleges are mentioned in the state constitutions of Michigan, Oregon, Texas, and California. The state of Michigan's constitution provides for the establishment and financial support of public community colleges, supported and controlled by locally-elected boards. The state of Oregon's constitution empowers the state to use its credit for financing higher educational institutions and activities, including community colleges. The constitution of Texas provides that junior college districts can levy taxes to maintain their junior colleges. California's constitution gives the legislature the power to provide for the incorporation of community college districts by general law. Furthermore, the constitutions of Kansas, North Dakota, and Tennessee refer to systems of higher education or public systems of higher learning as including public higher educational institutions and those units so determined by their respective legislative bodies.

2. State of New York, Education Law, Articles 8 and 126. The thirty colleges are strategically located in all regions of the state. Two of the colleges, Auburn and Corning, were sponsored originally by school districts but the latter is now the state's first regionally-sponsored community college under the amended community college legislation of 1984. (Corning Community College was established in 1956 under the sponsorship of the Corning-Painted Post area school district in Steuben County. The school district found it financially difficulty to maintain the quality programs and services needed by the college. Chemung, Schuyler, and Steuben Counties make up the region for the "new" college.) Two other community colleges, Erie and Suffolk, have multi-campuses; five other colleges, Adirondack, Columbia-Greene, Fulton-Montgomery, North Country, and Tompkins Cortland, operate with dual county sponsorship. Six community colleges were formerly state-supported institutes of applied arts and sciences, and one was the former state-supported Veterans Vocational School at Troy. These former state-controlled, two-year units became community colleges in 1953, upon the discontinuation of their full state funding. The seven community colleges of New York City are now a part of the City University of New York. Until 1975, the community colleges of New York City were coordinated by State University, with the Board of Higher Education serving as their single local board of trustees. When the Board of Higher Education became the Board of Trustees of the City University of New York, the community colleges became a part of this regional university system.

3. _____, Report of the Temporary Commission on the Need for a State University, 1948, p. 16; and the Governor's Press Release, March 5, 1948.

4. It was also suggested at this time, that the two-year agricultural and technical institutes become community colleges; and that five, instead of four, of the community college trustees be appointed by the Governor. Although a draft report of a State University Task Force in both November 1972 and December, 1972 contained this latter proposal, it was deleted from the January, 1973 version.

5. State University of New York, The Final Report of the State University of New York Trustee Committee on the Special Problems of the Community Colleges, February, 1976, p. 9 (i.e., the so-called Wales report).

6. Ibid, p. 10. New budgetary procedures also resulted from these trustee decisions. The new procedures were tied to the development of the community college state aid requests and the evolution of a state aid funding formula with maximum limitations. Procedures for reviewing full opportunity plans, for approving, retaining, and deleting programs were also established.

7. Carnegie Commission on Higher Education, The Open Door Colleges-Policies for Community Colleges, June, 1970, p. 47.

8. State of New York, Education Law, Section 355.1(c).

9. _____, Official Compilation of Rules and Regulations of the State of New York, Chapter V, State University-Subchapter D. "Code of Standards and Procedures for the Administration and Operation of Community Colleges Under the Program of State University of New York," Parts 600-607. This is regularly referred to the "The Code."

10. State University of New York, Policy Handbook-State University, 1975.

11. Apart from these State University offices, other ones involved with community colleges are: The Office of Legal Affairs, the Office of Governmental Relations, the Office of the Chancellor's Executive Assistant for Affirmative Action, the Office of Campus Facilities, and the Office of University Affairs and Development.

12. The central Office of Community Colleges also approves non-credit courses (remedial, vocational and community service) for state aid, child care grants, contract courses for business and industry, grants for youth employment and the structurally unemployed, and other such programs.

13. State of New York, Education Law, Section 6304.6.

14. Chapter 552 of the Laws of 1984 provided for the establishment and operation of community colleges under the sponsorship of community college regions. Regions could be composed of two or more contiguous counties or school districts, approved by the trustees of State University and eligible, therefore, to appoint members to a community college regional board. Regional boards of trustees consist of fourteen members, seven appointed locally, six by the governor, and one elected by the students.

15. Carnegie Commission, op cit., pg. 47, says that community college boards should develop policy decisions that are responsive to the law and to centrally-devised guidelines. This is, indeed, the responsibility of the local trustees in the State University system.

16. State of New York, Education Law, Section 6303.1.c; and make "such modifications, amendments and revisions as they (i.e., State University trustees) may from time to time prescribe." Ibid.

17. Chapter 522 of the Laws of 1984, op cit.

18. State of New York, Education Law, Section 6306.6. Other duties and responsibilities include the formulation of personnel policies (Code 604.2(a) and Code 604.2(b)(1)); and the initial approval of Full Opportunity Plans and consortia memberships. Direct relationships with other state agencies, such as the legislature, Department of Audit and Control, and the Division of the Budget are left to State University's central office.

19. Code, op cit., 603.5(c) and 604.1(c).

20. _____, Education Law, 6304.6. The Code 602.1(c) clarifies the above even further and says that the trustees must see that annual audits are done by CPA's.

21. State of New York, Public Officers Law, Article 2, Section 10, and Article 7, Sections 100 and 111.

22. Code, op cit., 604.3.

23. Ibid, 606. For example, at the April 6 and 7, 1984 Faculty Council meeting, the following were discussed: summer institutes on college teaching and technology in society; faculty as trustees; and statewide uniform requirements for curricula (as in Florida, Mississippi and Hawaii). The Council decided to prepare a statement on governance, to strengthen the

Council's visibility on local campuses and to seek clarification of the terms "remedial" and "pre-college level." A resolution pleading for more tuition waiver support was passed; and the preparation of a Faculty Council information booklet was proposed. Among the committee reports was one on basic core general education requirements for degrees in all State University units.

APPENDIX

Governance at Genesee Community College: One College's Approach

Genesee Community College's governance structure begins with its Board of Trustees. The bylaws of the Board were first approved in 1967, soon after the college was founded. They have been amended frequently since that time, following review by the Board's Policy Committee. The bylaws establish the Board's corporate responsibility "to guarantee the integrity of the College...." The responsibilities and duties of the Board's officers are clearly delineated, along with the legal requirements for meetings, notices of their time and place, and what constitutes a quorum for undertaking official business. The nature and the purposes of the standing committees are set forth with the creation of Buildings & Grounds, Personnel, Policy, and Nominating Committees.

A considerable amount of Board time is given to informational reports such as those on admission, enrollment, and program updates presented by the college's staff. Much of this kind of informational review occurs under the agenda item of "New Business." Furthermore, the attention of all trustees is regularly directed by their chairperson to general correspondence received by the College, including notification of State University actions pertaining to the campus. All of this supports the participatory style, as opposed to a "rubber stamp" ratifying style, of Board deliberations. The continuing board appraisal of both current and future actions generates knowledge and expertise and expands background discussions so that widely-understood new courses of action can emerge.

Genesee County Legislature's chairperson has appointed a liaison member to attend Board of Trustee meetings, as is done in other counties, in order to convey budget and other concerns to and from the county's legislative committees and the College's trustees. The liaison member is extended floor privileges at Board meetings but, of course, has no voting rights.

The College President's leadership role is an important one which fully recognizes not only the need of keeping his Board informed but the right of the faculty to be consulted on appropriate matters. Working with the College's academic governance structure, as discussed below, and administrative personnel, the President is able to project his ideas beyond the strict confines of organizational procedures and its future directions. He takes responsibility for all internal actions arising from recommendations that need Board action.

The organization of this College is simple and logical, following more of a flat than a hierarchial structure. Five deans and a director report to the President and serve as his "cabinet." They are the Dean of the College, Dean of Students, Dean of Administration, Dean of Community Services, and the Dean of Human Services and Planning, and the Director of Institutional Advancement. Associate Deans deal with fiscal matters, the

Learning Resources Center, Human Communications and Behavior, and Career and Vocational Education. There is an Assistant Dean of Instruction for Off-Campus Operations. Directors are responsible for the Career Development Center; Records, Scheduling and Advisement; Financial Aid and Veteran Affairs; Personnel and Research; and Admissions. Furthermore, a number of technical assistants and specialists in educational services assist the teaching faculty and other administrators. The actual academic operations of the College criss-cross this organizational structure.

Academic governance at Genesee Community College is the responsibility of the Academic Assembly, its Senate, and its Executive Committee. This governance structure is a means of attaining the objectives of the College through consultation with and the support of the faculty and all members of the college community.

Genesee Community College's Academic Assembly consists of all teaching faculty, all professional administrative staff, and certain representatives of the students and of the civil service personnel. The Assembly elects a president, vice president, and secretary to serve on the Academic Senate and to develop academic policies and procedures relating to standards, curriculum, instructional research, business and student affairs. All of this work is the responsibility of the Academic Senate and its standing and ad hoc committees.

Therefore, the Academic Senate is in fact the institution's major internal governing body. It consists of the College's President, some of the Deans, the elected Academic Assembly officers, student leaders, and the elected standing committee chairpersons. Its standing committees (Academic Standards, Curriculum, Instructional Research and Development, Student Affairs, Business Affairs, Student Recruitment and Retention) evaluate and recommend administrative policies for all aspects of the academic program and related activities of the College.

The chairpersons of the standing committees also attend the bimonthly meetings of the Executive Committee of the Academic Assembly as necessary. Here an assembly agenda is developed, and decisions are made on the proper routing of all committee proposals. The final recording policies and procedures rests with this committee.

The minutes of both the Academic Senate and of the Executive Committee of the Academic Assembly are widely distributed throughout the College.

The Genesee Community College Student Government Association is the vehicle by which students participate in the governance of the college. This association has established a wide range of special interest clubs to help develop student leadership skills, responsibility, self-reliance, and to promote recreational and

educational activities at the college. The clubs include a variety of curricula-related activities such as Choir, Student Newspaper, Nurses Club, Communications Club, and Commercial Arts Club. Committees, such as the Student Activities Council, recommend student-related college policies that help to meet student needs. The Student Court periodically reviews student rights and responsibilities.

Students serve on Genesee's Academic Senate, the Academic Assembly's Executive Committee, and all of the standing committees of the Senate. The student representatives are chosen by the Student Government Association and in the case of the Academic Standards Committee and the Recruitment and Retention Committee two student members respectively are selected. These students have the same voting rights as faculty and staff committee members but serve for a term of one year and are subject to recall and replacement according to the procedures of the Student Government Association.

As at all other community colleges, the students elect annually one of their number to serve on the Board of Trustees of the College.

ERIC CLEARINGHOUSE
FOR JUNIOR COLLEGES
JAN 10 1986